

Before the  
UNITED STATES COPYRIGHT ROYALTY JUDGES  
The Library of Congress  
Washington, D.C.

*In re*

**DETERMINATION OF ROYALTY RATES AND  
TERMS FOR MAKING AND DISTRIBUTING  
PHONORECORDS (Phonorecords III)**

**Docket No. 16-CRB-0003-PR  
(2018-2022) (Remand)**

**DECLARATION AND CERTIFICATION OF AARON J. CURTIS  
REGARDING RESTRICTED PROTECTED MATERIAL**

**(On behalf of Amazon.com Services LLC, Google LLC,  
Pandora Media, LLC, and Spotify USA Inc.)**

1. I am counsel for Pandora Media, LLC in the above-captioned case. I respectfully submit this declaration and certification pursuant to the terms of the Protective Order issued July 27, 2016 (the “Protective Order”). I have prepared this declaration after consultation with counsel for Amazon.com Services LLC, Google LLC, and Spotify USA Inc. (collectively, with Pandora Media, LLC, the “Services”), and am authorized to submit this declaration on their behalf.

2. I have reviewed the Services’ Joint Supplemental Brief Addressing the Judges’ Working Proposal (the “Supplemental Brief”). Portions of the Supplemental Brief contain information that the Participants have designated as “Restricted” under the Protective Order (the “Protected Material”). The Protected Material is shaded in grey highlight in the restricted e-filing of the Supplemental Brief, and is fully redacted in the public e-filing of the Supplemental Brief.

3. The Protected Material includes testimony and legal argument involving  
(a) contracts and contractual terms (including the negotiation thereof) that are not available to the

public, highly competitively sensitive and, at times, subject to express confidentiality provisions with third parties; and (b) highly confidential internal business information, financial projections, financial data, negotiation correspondence, and competitive strategies that are proprietary, not available to the public, and commercially sensitive.

4. If this contractual, commercial, or financial information were to become public, it would place the Services at a commercial and competitive disadvantage, unfairly advantage other parties to the detriment of the Services, and jeopardize their business interests. Information related to confidential contracts or relationships with third-party content providers could be used by the Services' competitors, or by other content providers, to formulate rival bids, bid up Service payments, or otherwise unfairly jeopardize the Services' commercial and competitive interests.

5. The contractual, commercial, and financial information described in the paragraphs above must be treated as Restricted Protected Material in order to prevent business and competitive harm that would result from the disclosure of such information while, at the same time, enabling the Services to provide the Copyright Royalty Judges with the most complete record possible on which to base their determination in this proceeding.

Pursuant to 28 U.S.C. § 1746, I hereby declare under the penalty of perjury that, to the best of my knowledge, information, and belief, the foregoing is true and correct.

Dated: January 24, 2022  
New York, N.Y.

/s/ Aaron J. Curtis  
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*Counsel for Pandora Media, LLC*

## Proof of Delivery

I hereby certify that on Monday, January 24, 2022, I provided a true and correct copy of the Curtis Declaration Regarding Restricted Information in Services' Joint Supplemental Brief to the following:

Nashville Songwriters Association International, represented by Benjamin K Semel, served via ESERVICE at Bsemel@pryorcashman.com

Johnson, George, represented by George D Johnson, served via ESERVICE at george@georgejohnson.com

National Music Publishers' Association (NMPA) et al, represented by Benjamin Semel, served via ESERVICE at Bsemel@pryorcashman.com

Signed: /s/ Todd Larson